

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

CECIL C. JOHNSON, JR. )  
 )  
 )  
v. ) No. 3:09-1139  
 ) Judge Echols  
DR. BRUCE LEVY, et al. )

**O R D E R**

Pending before the Court is Plaintiff's Complaint under 42 U.S.C. § 1983 (Docket Entry No. 1) and a Motion to Proceed In Forma Pauperis (Docket Entry No. 2). Plaintiff is a death row inmate at Riverbend Maximum Security Institution in Nashville.

Plaintiff has not filed a proper application to proceed without prepaying fees or costs with a copy of his inmate trust fund account statement. However, on November 25, 2009, Plaintiff filed an Application to Proceed In Forma Pauperis (Docket Entry No. 2) in Case No. 3:09-1133, with a copy of his inmate trust fund account statement for the 6-month period immediately preceding the date he filed his Complaint. Based on Plaintiff's application, the Court found that Plaintiff lacks sufficient financial resources to pay the \$350.00 filing fee. The Court finds likewise in this case. Accordingly, pursuant to 28 U.S.C. § 1915(b)(4), the Clerk will file the complaint in forma pauperis. 28 U.S.C. § 1915(a).

It is so ORDERED.



Robert L. Echols  
United States District Judge